



PARDALIS & NOHAVICKA, LLP
ATTORNEYS

December 3, 2020

VIA ECF

Hon. Steven M. Gold
United States Magistrate Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza
Brooklyn, NY 11201

RE: Poulmentis v. Plaza Patisserie, *et al.*
Docket No. 1:19-cv-05284-ENV-SMG
JOINT STATUS REPORT

To the Honorable Court:

This office represents Defendants Plaza Patisserie, *et al.* with regard to the above captioned matter. The parties herein correspond jointly to advise the Court of this matter's status.

The parties respectfully request an extension of time to finalize the Settlement reached by the parties and to file a motion pursuant to Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015) for its approval. The delay is occasioned by Defendants' Counsel's November 25, 2020 Motion to Withdraw as Attorneys (***Dkt. No. 23***).

As reported in the parties' Joint Mediation Report on October 7, 2020 (***Dkt. No. 22***), on September 23, 2020, the parties engaged in virtual Mediation before Mediator Joseph DiBenedetto, Esq. Mediator DiBenedetto was able to successfully bring the parties to an agreement.

In furtherance of the parties' Joint Mediation Report, on November 2, 2020, the Court issued a Status Order indicating,

STATUS REPORT ORDER: Mediation reports this matter has settled between plaintiff and defendants Plaza Patisserie, Inc. and Christos Kouvaros ONLY. Accordingly, counsel shall file a motion for approval as required pursuant to Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015), or joint status report letter by December 2, 2020. Ordered by Magistrate Judge Steven M. Gold on 11/2/2020. (Gillespie, Saudia) (Entered: 11/02/2020)

Subsequent to a deterioration in the attorney-client relationship between Pardalis & Nohavicka, LLP and the named Defendants, in advance of the December 2, 2020 Joint Status Report deadline, on November 25, 2020, Pardalis & Nohavicka, LLP filed a Motion to Withdraw as Attorney (*Dkt. No. 23* with attachments 1 and 2). It was incorrectly assumed that the Motion would be addressed in lieu of the Joint Status Report letter or that the disposition of the Motion would result in a stay of all proceedings to allow Defendants to find replacement counsel.

On December 3, 2020, the Court issued a text Order stating, “ORDER: Granting 23 Motion to Withdraw as Attorney. Attorney Anastasi Pardalis terminated. Ordered by Magistrate Judge Steven M. Gold on 12/3/2020. (Gillespie, Saudia) (Entered: 12/03/2020)[.]” Although the Motion to Withdraw as Attorney was filed by Anastasi Pardalis, Esq., the Motion sought relief on behalf of Pardalis & Nohavicka, LLP, Anastasi Pardalis, Esq., Joseph D. Nohavicka, Esq. and Gregory A. Nahas, Esq.

It is the understanding of the parties that the settlement achieved at this matter’s September 23, 2020 Mediation remains extant pending finalizing a Settlement Agreement and the filing of a motion pursuant to Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015) for its approval. The status of Defendants’ representation, however, is currently uncertain.

The parties’ herein respectfully seek the Court’s guidance with respect to the issues discoursed before the Court above.

Respectfully submitted,

PARDALIS & NOHAVICKA, LLP

/s/ Gregory A. Nahas

Gregory A. Nahas, Esq. (GN1002)

Attorneys for Defendants

PLAZA PATISSERIE and CHRIS KOUVAROS
950 Third Avenue, 25th Floor New York, NY
10022

Tel: 212.213.8511 | Fax: 718.777.0599

greg@pnlawyers.com

MICHAEL FAILLACE & ASSOCIATES, P.C.

/s/ Clela Errington

Clela Errington, Esq.

Attorneys for Plaintiff

NICHOLAS POULMENTIS
60 East 42nd Street, Ste. 4510
New York, NY 10165

Tel: 212.317.1200 | Fax: 212.317.1620

cerrington@faillacelaw.com